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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,583	05/16/2008	Yusuke Kajita	080306.57350US	2541

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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER
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LESLIE, MICHAEL S

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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06/02/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,583	<b>Applicant(s)</b> KAJITA ET AL.	
	<b>Examiner</b> MICHAEL LESLIE	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/8/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Kajita (JP 2002-339907).

Kajita discloses a hydraulic drive system provided with a main hydraulic pump (21), a first hydraulic cylinder (6) and second hydraulic cylinder (7) driven by pressure oil delivered from the main hydraulic pump, a first directional control valve (23) for controlling a flow of pressure oil to be fed from the main hydraulic pump to the first hydraulic cylinder, a second directional control valve (24) for controlling a flow of pressure oil to be fed from the main hydraulic pump to the second hydraulic cylinder, a first control device (25) for selectively controlling the first directional control valve, and a second control device (26) for selectively controlling the second directional control valve, wherein the hydraulic drive system is provided with a communication control means for communicating a rod chamber (6b) of the first hydraulic cylinder and a bottom chamber (7a) of the second hydraulic cylinder with each other

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when a stroke of the second control device has increased to at least a predetermined amount (67, 68b). Wherein the communication control means includes a communication line (40) capable of communicating the rod chamber of the first hydraulic cylinder and the bottom chamber of the second hydraulic cylinder with each other, a check valve (41) arranged on the communication line to prevent a flow of pressure oil from the bottom chamber of the second hydraulic cylinder toward the rod chamber of the first hydraulic cylinder, and a selector valve (44) for feeding pressure oil in the rod chamber of the first hydraulic cylinder to the bottom chamber of the second hydraulic cylinder via the communication line. The selector valve includes a variable restrictor (53), a branch line (42) connected at an end thereof to a main line connects the first directional control valve and the rod chamber of the first hydraulic cylinder with each other and at an opposite end thereof to the selector valve, and a stroke detector (67) for detecting a stroke of the second control device and outputting an electrical signal, and a controller (68) for outputting, responsive to the signal outputted from the stroke detector, a control signal (57a) to selectively control the selector valve. Wherein the controller includes a function generator (68b) for outputting a value which becomes gradually greater as the stroke of the second control device increases, and the selector valve is a pilot-controlled selector valve, and the hydraulic drive system is provided with an electric-hydraulic converter (69) for outputting a control pressure corresponding to the control signal outputted from the controller and a control line communicating the electric-hydraulic converter and the pilot-controlled selector valve with each other. The first hydraulic cylinder and second hydraulic cylinder include a boom cylinder and arm cylinder, respectively, the first directional control valve and second directional control valve include a center-bypass-type, directional control valve for a boom and directional control valve

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for an arm, respectively, and the first control device and second control device comprise a boom control device and arm control device, respectively.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 7434394, 7127888, 7059237, 6898932, 6389953, and 5797310 each disclose a hydraulic drive system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL LESLIE whose telephone number is (571)272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML  
May 28, 2010

/Michael Leslie/  
Primary Examiner, Art Unit 3745